

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

DAVID LAVIN,

§

Plaintiff,

§

v.

CASE NO: 1:23-cv-00503-RP

SECTIGO, INC.,

§

Defendant.

§

**JOINT MOTION FOR CONTINUANCE AND
TO MODIFY AGREED SCHEDULING ORDER**

Pursuant to Local Rule CV-16, Plaintiff David Lavin (“Plaintiff”) and Defendant Sectigo, Inc. (“Defendant”) (collectively, the “Parties”) in this case respectfully ask this Court to modify the current scheduling order and in support respectfully show as follows:

1. On May 5, 2023, Plaintiff filed the above action. (ECF No. 1). Following the Parties’ conferral, the Court’s order dated October 30, 2023 (ECF No. 11) established the following schedule to govern the applicable deadlines:

Alternative dispute resolution report re: Local Rule CV-88	June 21, 2024
Parties asserting relief submit written offer of settlement	June 21, 2024
Opposing party’s response to written offers of settlement	June 28, 2024
Deadline to complete discovery	June 14, 2024
Deadline to file dispositive motions	July 12, 2024
Date of non-jury trial setting	November 12, 2024

2. From the outset, the Parties have diligently worked this case by propounding written discovery and engaging in a thorough document production exercise. The Parties are likewise working through issues so they can adequately prepare for and take the necessary

depositions. Each of the parties, however, have faced health-related issues that have required additional time.

3. As discovery has evolved, the Parties have also each determined it made most sense from legal, practical, and judicial efficiency ground to accelerate the mediation timeline for a resolution of their issues. For these reasons, good cause exists for the Court to modify select dates in the uniform scheduling order by 60 days.

4. This motion is not presented for purposes of delay, but rather so justice may best be served.

5. Based on the foregoing, the Parties respectfully request this Court modify the uniform scheduling order in this case as follows:

Alternative dispute resolution report re: Local Rule CV-88	August 20, 2024
Parties asserting relief submit written offer of settlement	August 20, 2024
Opposing party's response to written offers of settlement	August 27, 2024
Deadline to complete discovery	August 13, 2024
Deadline to file dispositive motions	September 10, 2024
Date of non-jury trial setting	January 11, 2025

6. A copy of the proposed order extending these deadlines is attached hereto. The Parties request the Court modify all remaining dates in the uniform scheduling order according to Federal Rules of Civil Procedure accounting for the changed trial date, although the parties reserve their right to request a further continuance of those dates in the future if necessary.

Dated: May 20, 2024

/s/ Mark D. Downey
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CERTIFICATE OF CONFERENCE

I hereby certify that a reasonable effort has been made to resolve the matters presented in this Joint Motion for Continuance and to Modify Scheduling Order without the necessity of Court intervention. All parties agree with the relief requested in this Motion and therefore, the Motion is being filed jointly.

/s/ Gregory T. Lewis
Gregory T. Lewis

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via electronic mail to all counsel of record for this case on the 20th day of May 2024.

By: /s/ Gregory T. Lewis